

Notice of Allowability

Application No.

10/648,716

Applicant(s)

RAUSCHER ET AL.

Examiner

Ling-Siu Choi

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to September 14, 2004.
2. ☒ The allowed claim(s) is/are 1-14, 30 and 31.
3. ☒ The drawings filed on 26 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This Office Action is in response to the Amendment filed September 14, 2004. Claims 30-31 have been added and claims 1-31 are now pending.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CAR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. William D. Jackson on November 4, 2004.

3. The application has been amended as follows:

Cancel claims 15-29 without prejudice;

Claim 1, line 11, change "said monomer" to --polymerize said monomer--;

Claim 8, line 13, change "R'm" to -R'm--;

change "(Cp_bR'm)" to --(Cp_bR'm)--;

Claim 14, line 2, change "diphenyl methylene" to --diphenylmethylene—
(see claim 12, line 2);

Claims **30-31**, line 2, change " $M^{2/g}$ " to --m²/g-- (see page 10 - [0015]).

Allowable Subject Matter

4. Claims 1-14 and 30-31 are allowed.

5. The following is an examiner's statement of reasons for allowance:

The present claims are allowable over the closest references: Herrmann et al. (US 5,942,586).

The present invention relates to a process for olefin polymerization, comprising

A	providing a supported metallocene catalyst	a stereospecific metallocene catalyst component supported on a polyamide support [spheroidal and average particle size = 5-60 microns] on which an alkylaluminum co-catalyst component has been supported
B	contacting the catalyst with an olefin containing three or more carbon atom in a polymerization reaction zone	

(summary of claim 1)

Herrmann et al. disclose a process for olefin polymerization in the presence of a catalyst obtained by the contact of isopropylidene (9-fluorenyl)(cyclopentadienyl) zirconium dichloride with methylaluminum in toluene, followed by the contact with a polyamide having particle size less than 200 μ m (Example 6; claim 1). However, Herrmann et al. do not teach or fairly suggest a process for olefin polymerization comprising the contact of polyamide support with the aluminum and then with the metallocene catalyst.

In light of the above discussion, it is evident as to why the present claims are patentable over the prior art.

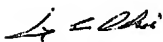
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ling-Siu Choi whose telephone number is 571-272-1098. The examiner can normally be reached on Monday to Friday.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reach on 571-272-1114.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LING-SUI CHOI
PRIMARY EXAMINER

Ling-Siu Choi

November 10, 2004